IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5475 OF 2006

M/s. Melvin Co-op. Hsg. Society .. Petitioner
v/s.
The State of Maharashtra and others .. Respondents

Mr.Sagar Joshi and Mr. Shekhar Bhise for the petitioner.
Mr. P.I. Khemani, Assistant Government Pleader for the respondent No.1.
Mr. R.S. Apte for the respondent No.2.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.

DATED : 13TH MARCH, 2007

P.C.

The petitioner moved this court in respect of the notice served under section 53(1) of the MRTP Act. In respect of such a notice, the petitioner has efficacious legal remedy available under section 53(3) of the MRTP Act.

2. However, considering the fact that the petition was filed on 4.8.2006, if the petitioner moves his application within three weeks from today to the respondent No.2 under section 53(3), the same shall be considered and disposed of according to law. We further make it clear that while disposing of the application the claim of Shri Chandrashekhar Arjun Pillai and Smt. Chhaya Chandrashekhar Pillai be taken into consideration.

3. In the meantime, if such an application is filed, the respondents shall not take steps against the petitioner. The Corporation to dispose of the entire proceedings at any rate not later than 12 weeks from the date of application being made by the petitioner herein.

With the aforesaid observations, writ petition is disposed of. No order as to costs.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)